

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DEENA BUGARA,)	CASE NO:
)	
<i>Plaintiff,</i>)	JUDGE:
)	
v.)	
)	
CHS EMPLOYMENT SERVICES, LLC, <i>et</i>)	Removal from Cuyahoga County Court of
<i>al.,</i>)	Common Pleas, Case No. CV 20 936359
)	
<i>Defendants.</i>)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendants CHS Employment Services, LLC, Continuing Healthcare Solutions, Aaryn Crosby, and Daniel Cobb, by and through their attorneys, file this Notice of Removal with respect to Case No. CV 20 936359, filed in the Court of Common Pleas, Cuyahoga County, Ohio. In support of this Notice, Defendants state as follows:

I. Background.

1. This action commenced on August 24, 2020, by the filing of a Complaint in the Cuyahoga County Court of Common Pleas, entitled *Deena Bugara vs. CHS Employment Services, LLC, et al.*, Case No. CV 20 936359. Attached hereto as “Exhibit 1” are copies of all process, pleadings and orders served upon Defendant as required by 28 U.S.C. §1446. Three (3) separate defendants are named in the Complaint: CHS Employment Services, LLC, (named as CHS Employment Services, LLC, Continuing Healthcare Solutions), Aaryn Crosby, and Daniel Cobb.

2. On September 2, 2020, all Defendants were served with the summons and Complaint.

3. Counsel for Defendants have not yet entered an appearance and Defendants have not filed any responsive pleadings in response to Plaintiff's Complaint in the state court action and no proceedings have been held therein as of the date of this filing.

4. This Notice of Removal is timely filed under 28 U.S.C. §1446(b), which provides that a notice of removal shall be filed within thirty (30) days after receipt by a defendant, by service or otherwise, of the initial pleading.

II. Venue and Notice.

5. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place where the action had been pending.

6. Contemporaneous with the filing of this Notice herein, Defendant has given written notice to Plaintiff and written notification to the Cuyahoga County Court of Common Pleas of the action's removal.

III. This Case is Removeable Based on Federal Question and Supplemental Jurisdiction.

7. Pursuant to 28 U.S.C. § 1331, and as explained further below, this Court has original jurisdiction over the instant action because this action arises under the laws of the United States.

8. Plaintiff brings claims for an alleged failure to pay non-exempt employees overtime and straight pay compensation in violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201-219 *et seq.* and the Ohio Minimum Wage Standards Act, Ohio Revised Code §4111.01 *et seq.*; wage and hour retaliation under Section 15(a)(3) of the FLSA; as well as various state-law claims for violation of Ohio Revised Code §4113.15, breach of contract, and unjust enrichment/quantum meruit.

9. Plaintiff's claims for overtime and straight pay compensation in violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §201-219 *et seq.*; and for wage and hour retaliation under Section 15(a)(3) of the FLSA, arise under the laws of United States.

10. Plaintiff's civil action filed in the Court of Common Pleas, Cuyahoga County, Ohio may be removed because this Court has original jurisdiction over Plaintiff's federal question claims pursuant to 28 U.S.C § 1331.

11. The Court's exercise of supplemental jurisdiction over Plaintiff's state-law claims for violation of the Ohio Minimum Wage Standards Act, Ohio Revised Code §4111.01 *et seq.*; violation of Ohio Revised Code §4113.15; breach of contract; and unjust enrichment/quantum meruit is proper because the state-law claims are so related to Plaintiff's federal law claims that they form part of the same case or controversy under Article III of the United States Constitution pursuant to 28 U.S.C. § 1367.

IV. Conclusion.

12. Based in the foregoing, this Court has original jurisdiction over this action based upon federal question and supplemental jurisdiction pursuant to respectively, 28 U.S.C §§ 1331 and 1367; thus, the Court properly may exercise jurisdiction over this lawsuit. 28 U.S.C. § 1441(a).

13. Should Plaintiff seek to remand this case to state court, Defendants respectfully ask that they be permitted to brief and argue the issue before any order remanding this case. In the event that the Court decides remand is proper, Defendants ask that the Court retain jurisdiction and allow Defendants to file a motion asking this Court to certify any remand order for interlocutory review by the U.S. Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1292(b).

WHEREFORE, Defendants request that the above-described action pending against them be removed to this Court. Defendants also request all other relief, in law or equity, to which they are justly entitled.

Respectfully submitted,

/s/ Nick A. Nykulak

Nick A. Nykulak (0075961)

Sean S. Kelly (0075442)

ROSS, BRITTAINE & SCHONBERG CO.,
L.P.A.

6480 Rockside Woods Blvd. South - Suite 350
Cleveland, Ohio 44131

T: 216-447-1551 / F: 216-447-1554

Email: nnykulak@rbslaw.com
skelly@rbslaw.com

Attorneys for Defendants, CHS Employment Services, LLC, Continuing Healthcare Solutions, Aaryn Crosby, and Daniel Cobb

CERTIFICATE OF SERVICE

This is to certify that on September 29, 2020, the foregoing Notice of Removal was filed electronically. All parties and counsel of record will receive notice and service of this document through the Court's electronic filing system. Parties may access this filing through the Court's system. I also certify that a true and accurate copy of the forgoing was served via electronic mail upon the following:

Michael P. Harvey, Esq. (#0039369)
MICHAEL P. HARVEY CO., L.P.A.
311 Northcliff Drive
Rocky River, Ohio 44116
Office: (440) 356-9108
Cell: (440) 570-2812 Email: MPH HarveyCo@aol.com

Attorney for Plaintiff, Deena Bugara

/s/ Nick A. Nykulak

Nick A. Nykulak (0075961)
Sean S. Kelly (0075442)